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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,368	07/31/2003	Michael R. Layton	A-71673/ESW	5135
40461	7590	07/31/2007		
EDWARD S. WRIGHT 1100 ALMA STREET, SUITE 207 MENLO PARK, CA 94025			EXAMINER STERLING, AMY JO	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/633,368

Applicant(s)

LAYTON ET AL.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-35 is/are pending in the application.
- 4a) Of the above claim(s) 4,13,15,16 and 26-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12,14,17-25 and 32-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is a non-final Office Action for application number 10/633,368 Shock-Resistant Enclosure, filed on 7/31/03. Claims 1, 2, 4-35 are pending. Claims 4, 13, 15, 16 and 26-31 are withdrawn. This non-final Action is in response to applicant's Appeal Brief dated 4/12/07. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 24 and 25 were neither allowed nor rejected in the Final Action, dated 5/30/06, therefore Finality is withdrawn and prosecution is re-opened in order to deal with these claims. Any inconvenience to the applicant is regretted.

Claim Objections

Claim 10 is objected to because of the following informalities:

Claim 10 recites "with at one of the elements" and it should be changed to "with at least one of the elements".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5, 6-8, 19-21, 23, 32, 33 and 35 rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5583742 to Noda et al.

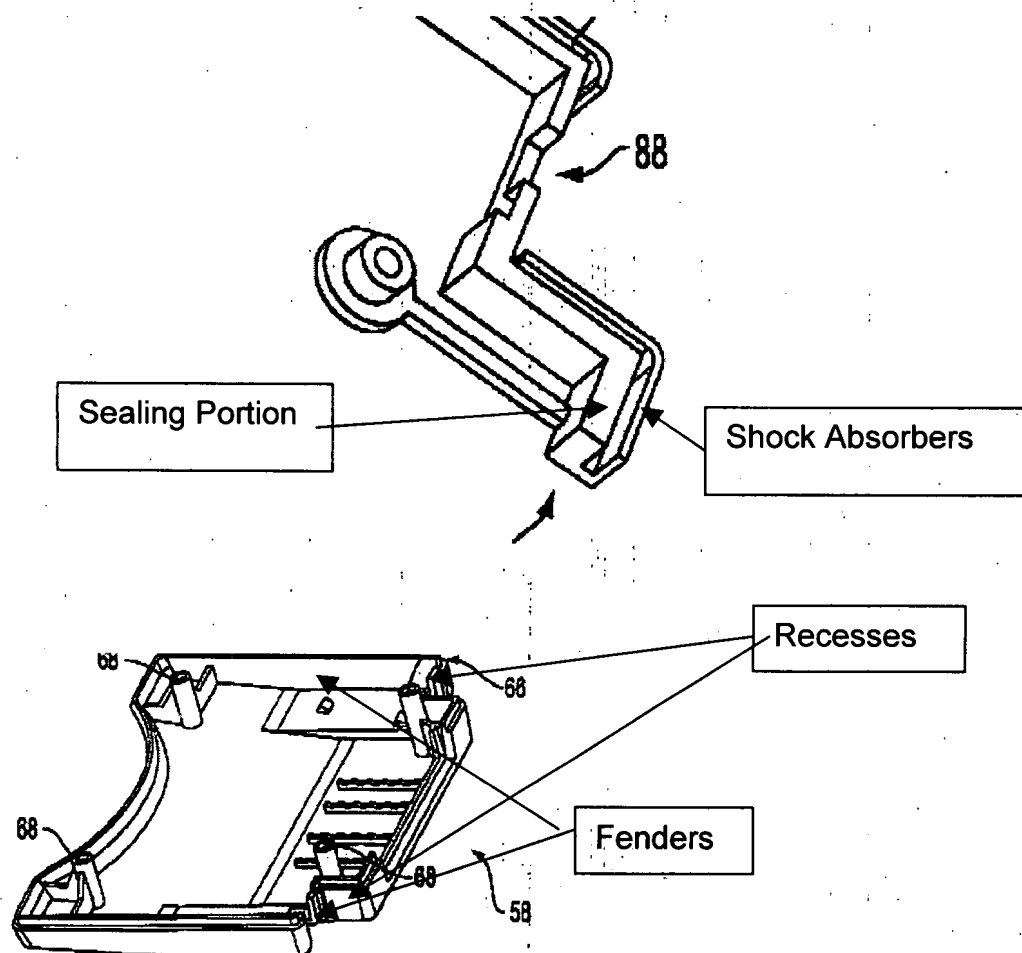
The patent to Noda et al. discloses a device having a housing (24) to which a fragile element (6) is rigidly mounted, a plurality of discrete shock absorbing elements projecting outwardly in different directions from the housing with at least some of the shock absorbing elements (20) including a shock absorbing fender (20a) which is laterally spaced from a mounting pad (20b) being formed integrally with the housing and of the same material as the housing and some of the shock absorbing elements (29) being fabricated of an elastomeric material (See Col. 5, line 66 for material) affixed to the housing, wherein some of the shock absorbing elements (20) are tapered and decrease in cross section away from the housing and extend beyond a mounting surface of the housing and are adapted to deflect so as not to prevent the mounting surface from making direction contact with a surface on which the enclosure is installed and the shock absorbing elements are formed integrally with a gasket (30) which seats two sections of housing together. Noda et al. discloses that the fender is generally C-shaped and includes a lug (ends of 20a) which extends beyond a surface of the generally circular mounting pad (20b) and the fenders which extend around and are

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spaced from corner portions of the housing (the external fender surface is spaced from the corner portion of the housing).

Claims 10-12, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6454250 to Ribeiro.

The patent to Ribeiro discloses a shock-resistant enclosure (54, 56, 58) having a base (58) and a cover section (56), and a combined sealing gasket (54) and shock absorbing structure formed integrally of an elastomeric material (See Col. 3, line 63) with a generally planar sealing portion (92) disposed between the base and cover sections of the housing and a plurality of discrete shock absorbing elements (76, 96) extending outwardly from the sealing portion and projecting from different sides of the housing with at one of the elements projecting from the housing in a direction substantially perpendicular to the plane of the sealing portion, wherein the shock absorbing elements are connected to the sealing portion by runners (78, 80) which are embedded in the walls of the housing and in recesses near the corners of the housing and held in place by corner pieces retained by fasteners (60) that also hold the base and cover sections of the housing together.

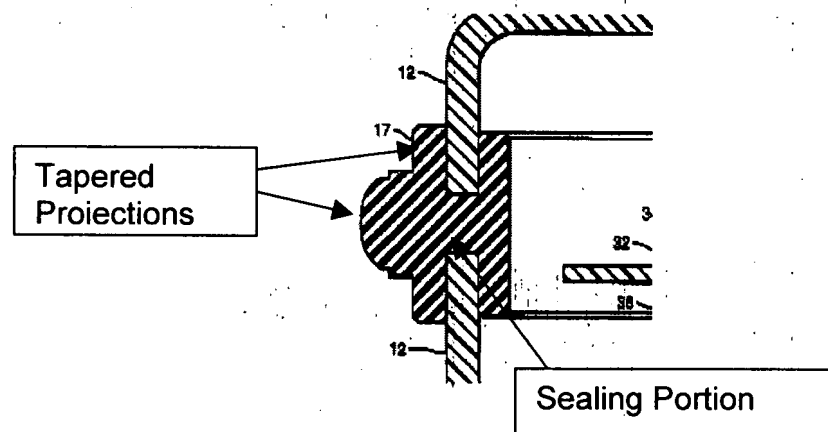


Claims 10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5550712 to Crockett.

The patent to Crockett discloses a shock-resistant enclosure (10) having a housing with a base (18) and cover (16) section, to which a fragile element (14) is rigidly mounted and a combined sealing gasket and a generally planar shock absorbing structure formed integrally of elastomeric material (See Co. 4, lines 21 for material, silicone rubber is considered an elastomer) with a sealing portion (See Drawing Below) disposed between the base and the cover sections of the housing and plurality of

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discrete shock absorbing elements (17, See Drawing Below) extending from the sealing portion and are projecting from the different sides of the housing, the projections which are tapered and decrease in cross-sectional area away from the housing and are projecting outwardly in different directions from the housing.



Claims 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent Publication No. 2003/0035271 to Lelong et al.

The publication to Lelong et al. teaches a shock resistant enclosure having a housing (10) to which a fragile element (Hard Disc Drive) is rigidly mounted, and a plurality of leaf springs (38) formed integrally with and extending from the housing, overlying one side of the housing.

Claim Rejections - 35 USC § 103

Claims 22 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5583742 to Noda et al. as applied to claim 19 above and in view of United States Patent No. 5190251 to Bodo.

Noda et al. teaches the basic inventive concept including that the housing and bumper are made from an elastic material. Noda et al. does not specifically disclose that the some of the elastic material are made from plastic.

Bodo teaches an elastic material that is made from plastic (See Col. 2, line 13 for material), the material used for absorbing vibration and shock. Therefore it would have been obvious to one of ordinary skill in the art to have used plastic as part of the material for the bumper and housing in order to have shock absorbing capabilities.

Response to Arguments

The applicants arguments in the Appeal Brief are moot due to the new grounds of rejection.

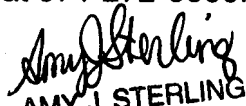
Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). The fax machine number for the Technology center is 571-273-8300

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(formal amendments) or 571-273-6823 (Informal communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

Amy J. Sterling
7/17/07


AMY J. STERLING
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600